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C O N F I D E N T I A L VIENNA 002829

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STATE FOR DRL AND EUR/AGS - SAINT-ANDRE

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SUBJECT: DEMARCHE TO AUSTRIA: PRIORITIES FOR THE SECOND  
SESSION OF THE UN HUMAN RIGHTS COUNCIL

REF: STATE 156800

Classified By: A/DCM Gregory E. Phillips. Reasons: 1.4 (b) and (d).

¶1. (SBU) A/DCM delivered reftel demarche on the Human Rights Council (HRC) September 22 to Engelbert Theuermann, the assistant secretary-level director of the Austrian MFA's human rights bureau. We also passed him copies of the U.S. proposals on Universal Periodic Peer Review and Mandate Review, per reftel.

¶2. (C) Theuermann said he had just returned from Geneva, where he had engaged on the gamut of issues. He said Austria agreed on the need to preserve Special Rapporteurs for country-specific situations, noting that this would be the subject of a "big battle." He noted that there had been agreement at the first session of the HRC to extend all country mandates. The agreement had been that all mandates would be subject to discussion as a package. However, he said, there were now rumors in Geneva that some countries would seek to introduce draft decisions to terminate mandates. Specifically, Cuba and Russia (on behalf of Belarus) were among those, and this could "give ideas" to Burma and the DPRK. Theuermann had met with the Cubans and Russians on September 21 to tell them that it was inappropriate for the HRC to take a decision to end the mandates, in view of the prior agreement, and said the HRC should follow the process to which the members had agreed.

¶3. (C) Theuermann said Austria and the EU in general agreed with the need for resolutions on Burma and the DPRK. However, there was as yet no agreement in the EU on what to include among the points of focus. There was some feeling that Darfur and Sri Lanka should also be among the country resolutions. Theuermann also said it was unclear whether it would be better to raise some issues at the UN General Assembly instead of in the HRC. For instance, Canada was likely to press an Iran resolution again, but this may gain more traction in the Third Committee. Some EU members were considering resolutions on Uzbekistan and Turkmenistan, as well.

¶4. (C) The problem, Theuermann said, was that the Middle Eastern countries had been able to draw support for their anti-Israeli resolutions from other G-77 countries in other regions, including Asia and Latin America. Likewise, there seemed to be a "southern" majority to block Western attempts to introduce country resolutions. Theuermann had spoken with the DPRK representative in Geneva, among others, and the North Koreans had said they would not cooperate with a

Special Rapporteur. In the past, votes on DPRK, as well as Burma, had passed by consensus (i.e., there had been no votes). Under current conditions, Theuermann said, the DPRK could well win support for blocking a resolution.

15. (C) On the Israel resolutions, Theuermann expressed full agreement on the need to achieve better balance. This would require lobbying among G-77 members, something Austria and most EU members had not been in a position to undertake. A related problem was the fact that meetings like the recent Non-Aligned Movement summit in Havana passed documents which bound Heads of State to "very unhelpful" positions. There was a lot of such language on the HRC in the Havana document, he noted.

16. (C) Theuermann said it was important for the U.S. to be fully engaged in order for the west to be successful at the HRC. "The strong role of the U.S. is critical," he said. He added that the EU simply could not be as agile as the U.S., arguing, "we would never have been able to produce" such a focussed demarche. He expressed deep appreciation for the work of the U.S. delegation in Geneva. Nevertheless, he said, in the first session of the HRC, "we felt the absence of the United States -- it would have made a difference."

17. (C) Theuermann will return to Geneva for the second session, and will seek to work closely with the U.S. delegation.  
Kilner